

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WLODZIMIERZ LUKASIK,

Plaintiff,

v.

MARY HOLLINRAKE, *et al.*,

Defendants.

Case No. 1:06-CV-280

Hon. Richard Alan Enslen

ORDER

Plaintiff Wlodzimierz Lukasik has filed a *pro se* motion titled “Petition for Annulment.” The motion requests that judicial action taken by a state court judge, Hon. G. Patrick Hillary, in Plaintiff’s state court divorce proceedings (*Lukasik v. Lukasik*, Kent County Circuit Court, No. 05-07075-DM) after Hillary was served with the Complaint in this suit, be vacated. Oral argument or other hearing is unnecessary upon the present record.

This Court interprets the motion as one for injunctive relief under Federal Rule of Civil Procedure 65. So interpreted, the motion will be denied. The balance of the four equitable factors (success on the merits, irreparable harm, public interest and possibility of harm to others), *see Basicomputer Corp. v. Scott*, 973 F.2d 507, 511 (6th Cir. 1992); *In re De Lorean Motor Co.*, 755 F.2d 1223, 1228-30 (6th Cir. 1985), do not favor either temporary or permanent injunctive relief. The allegations in the Complaint appear fanciful and unlikely to succeed. Further, the relief sought in this motion would constitute interference with ongoing state court proceedings regarding core issues of divorce and child custody which are inconsistent with the comity traditionally afforded state courts. *See Barber v. Barber*, 62 U.S. 582, 584 (1858); *Ankenbrandt v. Richards*, 504 U.S. 689, 701-02 (1992) (discussing *Barber*); *Catz v. Chalker*, 142 F.3d 279, 291 (6th Cir. 1998).

THEREFORE, IT IS HEREBY ORDERED that Plaintiff Wlodzimierz Lukasik's Petition for Annulment (Dkt. No. 17) is **DENIED**.

DATED in Kalamazoo, MI:
June 5, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE